



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

106+229

CRM-33095-2024 in/and
CRM-M-31037-2024
Date of decision: September 2nd, 2024

Anand
.....Petitioner

Versus

State of Haryana
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Akashdeep Singh, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-33095-2024

Prayer in this application is for placing on record
Annexures P/10 to P/12.

Application is allowed subject to just exceptions.

Annexures P/10 to P/12 are taken on record.

CRM-M-31037-2024

Petitioner is seeking the concession of regular bail in case
FIR No.271 dated 10.08.2021 under Sections 148, 149, 302, 307, 506,
326 of the IPC and Sections 25, 27 and 30 of the Arms Act registered at
Police Station IMT Rohtak, District Rohtak.

2. Learned counsel for the petitioner submits that the
petitioner has now been in custody for more than three years having
been arrested on 11.08.2021; it is a case resting on eyewitness account
and all the eyewitnesses have already been examined before the trial

Court, hence, further incarceration of the petitioner would serve no useful purpose as there can be no apprehension of the petitioner tampering with evidence or intimidating the witnesses. While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, learned counsel has further argued that even as per the case of the prosecution, the petitioner has only been attributed kick and fist blows on the person of the deceased and the fatal injuries have been attributed to co-accused Niranjana, Sunil and Joginder, who were allegedly armed with firearms. It has been further submitted that the aforementioned three co-accused i.e. Niranjana, Sunil and Joginder are still in custody. Learned counsel submits that in the aforementioned facts and circumstances, since as many as 46 witnesses have been cited by the prosecution, there is no likelihood of the trial concluding in the near future and hence, the petitioner be enlarged on bail.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has drawn the attention of this Court to the FIR, which stands reproduced hereinunder:-

“Stated that I am resident of above mentioned address and I work as a small property dealer. My father Jai Kumar retired from electricity department we are 3 real brothers I am the eldest younger to me is Ravinder and youngest is Jitender. That Jitender is unmarried and we both brothers are married and on dated 09.08.2021 myself and one boy of my village kailash son of Jugti R/o Kansala we both yesterday on dated 09.08.2021 went for personal work to Sohna and Najabgarh while sitting in my car no. HR12AM-4327 make i-20 white color and after completing our work when we were coming to village Kansala from Morkheri road then in the way near village Kansala upon reaching near liquor

vent at 11 pm I stopped my car and from there while taking namkeen and water bottle the manager of the said liquor vent started arguing in the meantime younger son of Bire Pandit who had opened the namkeen shop that younger son of Bire and three workers of the liquor vent started beating me then I telephone uncles son Sonu son of Phool Singh that here I have been beaten. That at that time my uncle Son Sonu and other uncle son Kuldeep son of Raj Kumar reached at the liquor vent in their car. That immediately upon their coming the workers of the liquor vent called their contractor. That in some time the contractor Niranjana alias Neenu came in scorpio vehicle no. HR12AD-1112 and **Anand** and Juginder and Bholu and nephew of Neenu, Sunil son of Jagbir and in one more vehicle many boys whose name I don't know who had brought in their hands sticks, dogra, gun and pistol and started beating me and my brother Sonu and Kuldeep as soon as they came and then started firing indiscriminately with intention to kill which hit me and my brothers. That I received bullet on my left hip that we raised voice of killed-2 then in the meantime my father and other members of family reached at the spot then all of them started running in their vehicles along with their weapons and at the time of running said us to kill and ran in their vehicles. That I and my brothers have received many injuries due to bullet shots. That my brothers will tell about their injuries themselves. That Niranjana alias Neenu and **Anand** and Juginder, Bholu, Sunil, Jagbir, younger son of Bire Pandit, workers of liquor vent and other unknown boys with the intention to kill me and my brothers with intention to kill have gave the bullets shots from their weapons. That because of various injuries suffered, my father and my family took me and my brothers to PGIMS Rohtak for treatment and that I came to know that due to inflicting bullets in the chest, my brother Sonu died on the way. That legal action be taken against all who after firing has killed my brother Sonu and also had injured us.”

4. Learned State counsel, on instructions, has submitted that no doubt the fatal injuries have not been attributed to the petitioner, however, he was part of the unlawful assembly and had actively participated in the alleged occurrence by inflicting kick and fist blows upon the deceased.

5. On a pointed query, learned State counsel, on instructions, has not disputed that fatal injuries on the person of the deceased were caused by co-accused Niranjana, Sunil and Joginder, who were armed with firearms. On a further query, learned State counsel, on instructions, has not disputed that all the material witnesses including the complainant and the stamped witness have already been examined before the trial Court. Learned State counsel has argued that although the material witnesses stand examined, however, while testifying before the trial Court, they had supported the case of the prosecution. The stage of the trial has also not been disputed by the learned State counsel.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. The petitioner has been in custody since 11.08.2021. It is matter of record that all the material witnesses in the present case already stand examined; 44 prosecution witnesses still remain to be examined. The petitioner, as not disputed by the learned State counsel, has not been attributed fatal injuries upon the deceased.

8. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

September 2nd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned

:

Yes

Whether reportable

:

No